

REMARKS

Claims 1-14 are pending in this application, of which claims 1-12 were rejected, claim 13 was subject to objection, and claim 14 was allowed. Claims 1-8 are currently amended.

Reconsideration and further examination are respectfully requested.

Claims 1-6 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite because of lack of structural limitations. Claim 1 has been amended to recite a first longitudinal member and a support member, claim 2 has been amended to recite a seat, base and seat support, claim 4 has been amended to recite a lever, claim 5 has been amended to recite a roller, and claim 5 has been amended to recite a base and first longitudinal member. Claim 3 as originally filed recited a hook, which is structural, so the rejection is respectfully traversed with regard to claim 3. In claims 1, 2 and 4-6 the suitability of the amendments regarding §112 is self-evident. Withdrawal of the rejection is therefore requested.

The presently claimed invention distinguishes Kelly and Bodell because the member which supports the siding piece being installed is independently movable relative to the member which secures the tool to the structure. Kelly teaches a tool where the upstanding body member (16) has a short leg (20) which suspends the tool from siding board (11) and a short leg (26) which supports the siding board being installed, i.e., siding board (12). One of the shortcomings of this configuration is that the short leg (26) tends to bind against siding board (12) when one attempts to unhook short leg (20). Referring to Figs. 1 and 2, this problem can be alleviated by using a seat (16) which is independently movable relative to hook (10). In particular, the seat (16) can be moved against the spring upon release so that the hook (10) can be pushed over the top of clapboard (14). This distinguishing and advantageous feature is now recited in claim 1 as “a first longitudinal member; and a support member coupled with the first

longitudinal member, the support member being movable relative to the first longitudinal member in a first mode and securably positioned relative to the first longitudinal member in a second mode.” Claims 7 and 8 recite similar language. Bodell teaches a cleat for supporting sheet goods. Not only is the forward flange (21) not used as a hook, the flange (21) is part of the same structure that is secured to the wall via holes (8, 9). More particularly, even if the flange (21) were employed as a hook it would not be movable independently of the cleat body (2) because it is part of cleat body (2). For the reasons stated above, claims 1, 7 and 8 distinguish Kelly and Bodell. Withdrawal of the rejections is therefore requested.

Claims 2-6 and 9-13 are dependent claims which further distinguish the invention, and which are allowable for the same reasons as their respective base claims. Withdrawal of the rejections of claims 2-6 and 9-13 is also therefore requested.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

April 6, 2006
Date

/Holmes W. Anderson/
Holmes Anderson, Reg. No. 37,272
Attorney/Agent for Applicant(s)
McGuinness & Manaras LLP
125 Nagog Park
Acton, MA 01720
(978) 264-6664

Docket No. 170-002
Dd: 4/26/2006